

Appln. No. 10/814,018

Attorney Docket No. 8627-373

II. Remarks

Reconsideration of the present application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 1-21 remain pending.

Double Patenting Rejection

Claims 1-21 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4-22 of co-pending Application No. 10/003,011. However, Applicants submit that claims 1, 2, and 4-22 of co-pending Application No. 10/003,011 does not specify that the elongate control member comprises a low elongation material and a high elongation material as provided in the independent claims of the present application.

Claim Rejections – 35 U.S.C. §103

Claims 1, 3-7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle et al. (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart et al. (Cathcart). Claim 1 as amended recites that the elongate control member comprises a low elongation material and a high elongation material. These elements were incorporated into original claim 3, therefore additional searching should not be required.

In addition, with regard to claims 3 and 21, "the elongate control members comprised of the low elongation material for low elongation distal to the proximal end portion and the proximal end portion is comprised of a high elongation material for tension absorption when the elongate control member is urged distally" is not shown in either the Boyle, or Cathcart references. Since Boyle and Cathcart, alone or

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combination, do not teach or suggest the elongate control member being comprised of a low elongation material and a high elongation material, they do not teach the present invention according to claim 1 or claim 21.

Claims 3-7 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 2 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart and further in view of U.S. Patent No. 5,484,444 to Braunschweiler (Braunschweiler). Braunschweiler does not teach or suggest the elements noted above as missing from claim 1. Further, claims 2 and 20 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 2 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart and further in view of U.S. Patent No. 5,681,347 to Hillstead (Hillstead). Hillstead does not teach or suggest the elements noted above as missing from Boyle and Cathcart. Further, claims 2 and 20 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

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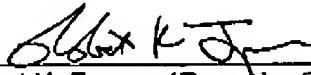
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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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